

CITY OF BLOOMINGTON
ADMINISTRATIVE HEARING MINUTES

March 31, 2015

Staff Present: Dave Ornstein, serving as Hearing Examiner
Mike Centinario, Planner; Londell Pease, Senior Planner, Mike Hiller, Minutes Secretary

Representative: Link Wilson

Item 2: **Case:** 7849AB-15
 Applicant: Link Wilson
 Location: 9040 West Bush Lake Road
 Request: Variance to reduce the side yard setback from 10 feet to 9.2 feet for a second level addition and variance to increase the allowable height from 30 feet to 32.5 feet

Dave Ornstein called the hearing to order at 1:16 p.m. on March 31, 2015. He explained the hearing is for a variance to reduce the side yard setback from 10 feet to 9.2 feet for a second level addition and a variance to increase the allowable height from 30 feet to 32.5 feet at 9040 West Bush Lake Road.

Ornstein stated he received copies of the materials included in Case File 7849AB-15 including the application, narrative letter, receipt of payment, notification map, names and addresses of those notified of the public hearing, public notices, certificate of survey, plans, renderings, and the staff report dated March 31, 2015. Ornstein asked if the applicant or staff had anything more to add into the record. Centinario stated he has received a couple of phone calls regarding the application with one stating they were vehemently in favor of the variance requests. Wilson stated the staff report was comprehensive, the irregular shape of the lot and the grade make it difficult to improve the lot and that is why the variances are requested. Ornstein asked Centinario if there has been any public correspondence received as part of this application. Centinario noted that there had been no additional public comment.

Ornstein stated he made a site visit on March 31, 2015, has reviewed the materials provided by staff and the testimony offered by those attending the public hearing. He stated he believes the required findings in Section 2.98.01(b)(2)(A-C) have been made and recommends approval of the requested variance to reduce the side yard setback from 10 feet to 9.2 feet for a second level addition and variance to increase the allowable height from 30 feet to 32.5 feet subject to the conditions of approval listed in the staff report. He stated this item will move onto the April 6, 2015 City Council meeting who have the final decision making authority for this case.

The meeting adjourned at 1:22 p.m.

RECOMMENDATION

In Case 7849AB-15, the Hearing Examiner recommends City Council approval of the variance to reduce the side yard setback from 10 feet to 9.2 feet for a second level addition and variance to increase the allowable height from 30 feet to 32.5 feet at 9040 West Bush Lake Road subject to the following conditions:

- 1) The side setback variance is only applicable to the side setback encroachments shown on the plans in Case File 7849AB-15.
- 2) The driveway must maintain at least a five foot setback from the property line and may not encroach into any easement of record without an encroachment agreement.
- 3) The circular gravel driveway extending into 9044 West Bush Lake Road must be removed and restored to turf.

Prepared By: MH **Reviewed By:** MC